



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Steven E. NyBlom
Chief Executive Office
Patrick A. Wu
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, December 17, 2012, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. Ezequiel Jacobo, Sr., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 11-07212

This lawsuit concerns allegations of excessive force by Sheriff's Deputies; settlement is recommended in the amount of \$50,000.

[See Supporting Documents](#)

- b. Barry Bryant v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 416 994

This lawsuit concerns the County's indemnity action against Southern California Edison and Toribio's Landscape for \$227,500; it is recommended that the County accept the amount of \$145,000 to settle this matter.

[See Supporting Documents](#)

- c. Katherine Meislin, Ned Meislin v. City of Hawthorne, et al.
United States District Court Case No. CV 06-6692

This lawsuit concerns an alleged violation of civil rights committed by an employee of the Department of Public Health; settlement is recommended in the amount of \$200,000.

[See Supporting Document](#)

- d. Brenda McElmore v. County of Los Angeles
Los Angeles Superior Court Case No. BC 462 662

This lawsuit concerns allegations that an employee of the Sheriff's Department was wrongfully terminated based on age and disability discrimination; settlement is recommended in the amount of \$25,000.

- e. Mark Moffett v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 445 403

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to harassment, discrimination, retaliation, and abuse; settlement is recommended in the amount of \$87,400.

- f. Stephen Galindo v. County of Los Angeles
United States District Court Case No. CV 07-07911

This lawsuit concerns allegations that an employee of the Public Defender's office was subjected to alleged disability and religious discrimination, and harassment; settlement is recommended in the amount of \$90,000.

- g. Vincent McCormack v. County of Los Angeles
United States District Court Case No. CV 11-08830

This lawsuit concerns allegations that the Department of Community and Senior Services failed to properly compensate employees for overtime pay under the Federal Fair Labor Standards Act; settlement is recommended in the amount of \$169,500.

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the December 3, 2012, meeting of the Claims Board.

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ezequiel Jacobo, Sr. and Petra Jacobo v. COLA, et al.
CASE NUMBER	CV11-7212 GW SSx
COURT	United States District Court
DATE FILED	Complaint December 6, 2011 Claim N/A
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$50,000
ATTORNEY FOR PLAINTIFF	Vicki I. Sarmiento Law Offices of Vicki I. Sarmiento Dale K. Galipo Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	Ezequiel Jacobo, Sr. and Petra Jacobo, sue the County of Los Angeles and eleven Sheriff's Deputies alleging use of excessive force and federal civil rights violations during a search of their residence. The Deputies obtained a valid warrant supported by probable cause to search the residence. They contend that reasonable action was taken to execute the warrant and detain the occupants of the residence while the search

was being conducted.

While we believe that this is a defensible case, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Settlement of this matter in the amount of \$50,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	60,196
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PAID COSTS, TO DATE	\$	114
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Case Name: Ezequiel Jacobo, Sr., et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Monday, August 31, 2009; approximately 8:50 p.m.
Briefly provide a description of the incident/event:	<p><u>Ezequiel Jacobo, Sr., et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2012-039</p> <p>On Monday, August 31, 2009, at approximately 8:50 p.m., Los Angeles County deputy sheriffs executed a search warrant at the plaintiff's residence to search for firearms and other evidence in furtherance of a gang-related criminal investigation.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In their lawsuit, the plaintiffs alleged they were subjected to excessive force and federal civil rights violations by representatives of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.


The facts in this case were reviewed by representatives of the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau. No systemic issues were identified and no employee misconduct is suspected. Consequently, no administrative action was taken and no corrective action measures are recommended nor contemplated.

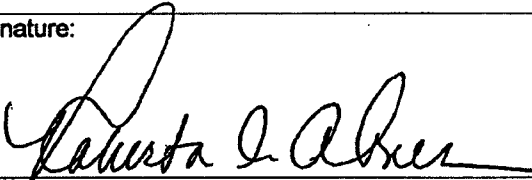
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County of Los Angeles
Summary Corrective Action Plan


3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 11/20/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 11/21/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 12/10/2012

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Bryant v. County of Los Angeles, et al.
CASE NUMBER	BC 416994
COURT	Los Angeles County Superior Court, Stanley Mosk Courthouse
DATE FILED	Cross-Complaint filed June 14, 2010
COUNTY DEPARTMENT	Parks and Recreation and Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 145,000.00
ATTORNEY FOR PLAINTIFF	Allen L. Thomas Thomas Law Firm
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	<p>The County settled and paid \$227,500 to plaintiff Barry Bryant in satisfaction of a judgment he obtained against the County in his underlying dangerous condition of public property lawsuit. The County then sued Southern California Edison Company and Toribio's Landscape for indemnity and sought to recover the sums it paid to Mr. Bryant.</p> <p>Southern California Edison Company and Toribio's Landscape dispute they are responsible for Mr. Bryant's accident or injuries or to the County for indemnity.</p>

Due to the risks and uncertainties of litigation, however, a full and final settlement of the case by accepting receipt of the sum of \$145,000 jointly from Southern California Edison Company and Toribio's Landscape is recommended.

PAID ATTORNEY FEES, TO DATE	\$	162,166, which is the sum of the fees incurred in defense of the action brought by Mr. Bryant and in prosecution of the lawsuit against Southern California Edison Company and Toribio's Landscape
PAID COSTS, TO DATE	\$	22,422, which is the sum of the cost incurred in defense of the action brought by Mr. Bryant and in prosecution of the lawsuit against Southern California Edison Company and Toribio's Landscape



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim/Lawsuit:	Barry Bryant
Date of Incident/event:	June 12, 2008
Briefly provide a description of the incident/event:	On June 12, 2008, at approximately 3:20 p.m., Mr. Barry Bryant was traveling southbound along the west side of Vermont Avenue, between 125th and 126th Streets on his bicycle, when he struck guy wire located on the pavement within the road right of way. The bicycle's front tire allegedly became tangled in the wire, which caused the plaintiff to fall and sustain various injuries.

1. Briefly describe the root cause of the claim/lawsuit:

Mr. Bryant contends that he did not see the wire in the roadway due to the shadows cast by trees at or near the incident site and because the wires blended in with the asphalt pavement. The wire was apparently attached to a metal post, which was buried in the grass parkway area located immediately adjacent to the Helen Keller Park. The parkway is maintained by the Los Angeles County Department of Parks and Recreation. The wire was used by Southern California Edison (SCE) to stabilize their utility pole.

Based on our findings, we were diligent in our inspection and maintenance responsibilities and were unaware of the damaged wire prior to the alleged incident. Our Road Maintenance Division performed its monthly roadway inspection on 126th street on May 15, 2008, prior to the incident date. Public Works also performed its weekly street sweeping service for the area on June 10, 2008, prior to the incident date. No maintenance problem conditions were encountered during those operations.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

JB 8/29/12

By September 27, 2012, DPW, with assistance from County Counsel, will provide the CEO with suggestions on the following for their use in negotiating the next Franchise Agreement with Southern California Edison:

- A clear stipulation in the franchise agreement that the County has no duty to inspect any SCE facility (guy wires, poles, etc.). Rather, this duty solely belongs to SCE pursuant to California Public Utilities Commission regulations. Therefore, SCE is to fully indemnify the County for any liability associated with a failure to identify deficiencies of its facilities.
- That SCE evaluate the visibility of its guy wires that are within highway easements and install as well as maintain yellow plastic guards.
- County's legal defense costs could be lowered by requiring insurance, naming the County as additionally insured, for all claims arising out of the use, operation, installation and maintenance of Edison facilities located within LA County.

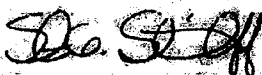

Our Road Maintenance Division had established and communicated appropriate written practices to identify and remedy potentially unsafe conditions in the right-of-way. The instructions are also reviewed during RMD's monthly Tailgate Safety meetings (copy of the May 2010 memo attached).

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

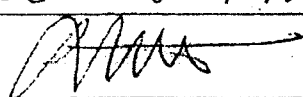
☐ Potentially has a Countywide implication.

☒ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

☐ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff 	AUGUST 29, 2012
Signature: (Director)	Date:
Gail Farber 	9-6-12

Chief Executive Office Risk Management Branch

Name:	LEO COSTANTINO	Date:
Signature:		Date: 8/27/2012

RB:

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Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	June 12, 2008
Briefly provide a description of the incident/event:	Plaintiff alleges that on June 12, 2008 at 3:20 p.m., he was riding his bicycle on Vermont Avenue between 125 th and 126 th Streets adjacent to Helen Keller Park when the bicycle's front tire became tangled in a downed guy-wire attached to a Southern California Edison power pole and caused him to fall and sustain injuries.

1. Briefly describe the root cause(s) of the claim/lawsuit:

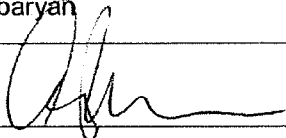
Plaintiff contends he did not see the wire lying down across the roadway due to the shadows cast by trees that made the wires blend with the asphalt. The wire was attached to a metal anchor which was buried in the grass adjacent to the street. All County employees denied seeing the downed wire prior to the accident. Helen Keller Park contracts its mowing services and their employees also denied seeing the downed wire. In the process of our investigation, we determined that the Department would benefit from revising their Inspection Policy to include a paper trail of inspections for days when there was no safety hazard noted. Currently, a work order is generated if a safety hazard is noted, but there is no documentation for the days that have no safety hazards.

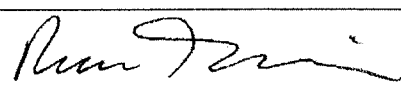
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

1. On October 31, 2012 with assistance from County Counsel, the Department's Contract Division reviewed the current mowing contract language in effort to improve indemnification language for future contracts.
2. By March 30, 2013, Safety Office will revise the Department's Facility Inspection Policy to include record keeping requirements for Facility Inspection Reports in the parks. Staff will conduct the inspection reports which will be signed off by a supervisor and kept at the facility for two years. Inspection Forms will include a checklist for mowing, sprinkler systems and other safety hazards.
3. By April 15, 2013, all employees will receive a copy of the new Inspection Policy and employees performing the inspections will be trained by their supervisors.

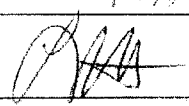
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☒ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) Anush Gambaryan	
Signature: 	Date: 11/27/12

Name: (Department Head) Russ Guiney	
Signature: 	Date: 11-29-12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 11-14-12

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Katherine Meislin, Ned Meislin v. City of Hawthorne, et al.
CASE NUMBER	CV06-6692-GW(FFMx)
COURT	United States District Court
DATE FILED	October 20, 2006
COUNTY DEPARTMENT	Department of Public Health
PROPOSED SETTLEMENT AMOUNT	\$200,000
ATTORNEY FOR PLAINTIFF	Thomas E. Beck, Esq. The Beck Law Firm
COUNTY COUNSEL ATTORNEY	Andrea Ross Senior Deputy County Counsel
NATURE OF CASE	Defendant Inspector Kumari Gossai visited plaintiff Ned and Katherine Meislin's apartment building attempting to perform a routine health inspection. However, Ms. Meislin denied access to Inspector Gossai. Eventually, Ms. Gossai was able to gain access through the security gate. However, Ms. Meislin saw Inspector Gossai inside the apartment building and forcibly removed Inspector Gossai. Inspector Gossai signed a Citizen's Arrest Warrant for battery against Ms. Meislin. The remaining sole cause of action against Ms. Gossai is for violation of Ms. Meislin's civil rights.

Specifically, plaintiffs allege that Ms. Meislin's Fourth Amendment right to be free from unreasonable seizure was violated when inspector Gossai made a Citizen's Arrest thereby causing plaintiff to be arrested without probable cause.

PAID ATTORNEY FEES, TO DATE

\$135,102

PAID COSTS, TO DATE

\$31,807

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 3, 2012

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steven NyBlom, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Talin Halabi, Millicent Rolon, Kent Sommer, and Rose Belda; Department of Public Works: Michael Hayes; Internal Services Department: Tim Braden; Chief Executive Office: Al Tizani; Sheriff's Department: Lynne Hughes; Department of Mental Health: Margo Morales and Shelli Amber Weekes; Department of Health Services: Karen White and Azniv Yaghubyan; Fire Department: Michael Kranther; Department of Human Resources: Comelita Farris; Outside Counsel: David Weiss and Peter Bollinger.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

4. Report of actions taken in Closed Session.

At 12:10 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **Howard Portman v. James Byron Hart, et al.**
Los Angeles Superior Court Case No. SC 114 646

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Department of Public Works.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$65,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

b. **Settlement of County's Claim for Property Damage at Barry J. Nidorf Juvenile Detention Facility**

This claim concerns costs incurred by the County to repair its subsurface sewer line, which was damaged by Leighton Consulting, Inc.

Action Taken:

The Claims Board approved settlement of this matter whereby the County will accept the amount of \$122,793 on its \$163,724 claim.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

c. **Ruth Perez v. County of Los Angeles**
United States District Court Case No. CV 10-05836

This lawsuit concerns allegations of excessive force and false arrest by Sheriff Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$75,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

- d. **Alberto Gutierrez v. County of Los Angeles, et al.**
United States District Court Case No. CV 10-04428

This lawsuit concerns allegations of false arrest by Sheriff Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$230,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

- e. **Eddie Aceves v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 472 491

This lawsuit concerns allegations that an employee of the Department of Mental Health was subjected to retaliation, harassment, discrimination, and the failure by the Department to accommodate and engage in the interactive process.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$45,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

- f. **Nelly Castañeda v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 451 510

This lawsuit concerns allegations that an employee of Maxim Healthcare Services, Inc., was subjected to harassment, assault and battery, retaliation, and discrimination by an employee of the Department of Health Services.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

- g. **Elizabeth Peralta v. County of Los Angeles, Sharon Harper, Michael Freeman, Carla Williams, Helen Jo & James Ealey**
Los Angeles Superior Court Case No. BC 444 026

This lawsuit concerns allegations that an employee of the Fire Department was subjected to retaliation, harassment, and discrimination, and the failure by the Department to prevent such retaliation, harassment and discrimination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$390,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

5. **Approval of the minutes of the November 19, 2012, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 12:15 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Carol J. Slosson